



**ఆంధ్రప్రదేశ్ రాజ పత్రము**  
**THE ANDHRA PRADESH GAZETTE**  
**PUBLISHED BY AUTHORITY**

**PART II EXTRAORDINARY**

**No.118**

AMARAVATI, WEDNESDAY, OCTOBER 20, 2021

**G.535**

**NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.**

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**COLLECTOR & DISTRICT MAGISTRATE**  
**GUNTUR.**

**Rc.No.603/2021-C4,**

**Dated: -10.2021**

CASTE CERTIFICATE - HIGH COURT - WRIT PETITION FILED BY  
Smt. SHAIK JABEEN W/o SK. SADIK, R/o CHILUVURU VILLAGE OF  
DUGGIRALA MANDAL - ORDERS PASSED.

**In the Court of District Collector : Guntur****Present :: Sri Vivek Yadav, I.A.S.,****Fourteenth Day of October Two thousand and twenty one****Rc.No. 603/2021/C4**

Between:

Shaik Jabeen W/o Shaik Sadik

...Appellant

AND

The Competent authority

cum

Mandal Revenue officer , Duggirala

... Respondent

**Order passed on the Appeal filed U/Sec.7 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993 r/w rule 10 of the A.P (S.C., S.T. & B.C ) issue of Community, Nativity and Date of Birth Certificates Rules, 1997.**

**ORDER:**

1. This appeal is filed U/r 10 of the A.P (S.C., S.T. &B.C) issue of community, Nativity and Date of Birth Certificate Rules, 1997 against the order dated 22-09-2021 in Rc.B/273/2021, passed by the Tahsildar, Duggirala, rejecting the application No.CGC 012144589548 filed by the appellant for issue of caste certificate.

**2. Brief facts :**

The brief facts of the case is as follows;

a) **Filing of the application for caste certificate by the appellant:**

The appellant has filed an application No. CGC 012144589548, for issue of caste certificate to her on 20-09-2021 through Grama Sachivalayam Chiluvuru.

b) **Complaint filed by the appellant before the District Collector, Guntur:**

The appellant has filed a complaint before me stating that in the recent Mandal Praja Parishadh Election she won as MPTC member from Chiluvuru segment – I and a declaration letter also issued by the Returning Officer, Mandal Praja Parishad, Duggirala on 19.09.2021 and that to participate in the selection of MPP of Duggirala Mandal, was scheduled on 24.09.2021, she needed caste certificate hence applied for issuance of caste certificate to the Tahsildar, Duggirala through Sachivalayam of Chiluvuru Village on 20.09.2021 vide application No.CGC 012144589548, dt. 20.09.2021 but she was unable to get the caste certificate from the concerned Tahsildar, Duggirala. She has finally requested to direct the Tahsildar, Duggirala to issue caste certificate as Muslim B.C-E as per G.O.Ms.No.23 B.C. Welfare (C2) Department, dt. 07.07.2007 which has provided for reservations to certain backward communities of Muslim under B.C-E category.

c) **Action taken on the above complaint by the District Collector:**

On the receipt of the above complaint, the Tahsildar, Duggirala was directed to dispose of the application expeditiously.

d) **Disposal of the application by the Tahsildar, Duggirala:**

(1) Thereupon, the Tahsildar, Duggirala has submitted a report Dt: 23-09-2021 in Rc.B/273/2021, stating:-

i) That Smt. Jabeen, D/o Baduruddin, Chiluvuru (V) of Duggirala Mandal filed an application No: CGC012144589548 for issue of BC- E Caste Certificate on 20.09.2021 through Chiluvuru Gram Sachivalayam, enclosing a copy of the T.C. issued by the Head Master K.V.S.High School, Chiluvuru on 08.11.2010;

ii) That the community BC-E is not mentioned against Column 5 which is meant for mentioning the caste of the student, but “\_” “Mark put against the column.

iii) That had the applicant belonged to BC-E Community as per G.O.Ms. No: 23 BCW (C2 Dept), dated:07.07.2007, it could have been mentioned against Column 5 in the T.C; Therefore, it can be deemed that the applicant does not belong to B.C. – E and that therefore the applicant does not belong to BC-E category and that therefore, the application was rejected and order issued accordingly, on 22.09.2021.

iv) The Tahsildar further stated that the applicant claimed in the application that she belongs to “Mahammad” and whereas, there is no mention of ‘Mohammad’ in the T.C.

v) That the following are the grounds for rejection mentioned in the order dated: 22.09.2021 of the Tahsildar, Duggirala.

“ 1. Smt. Shaik Jabeen D/o Mahammed Baduruddin, Chiluvuru Village, Duggirala Mandal has filed an application No.CGC 012144589548, dt. 20.09.2021 at Chiluvuru Sachivalayam, for issue of BC-E caste certificate and also filed a copy of the Transfer Certificate issued by KVS High School, Chiluvuru Village, Duggirala Mandal, which discloses that she belongs to Islam Muslim religion and col.No.5 in the TC meant for mentioning as to whether she belongs to SC/ST/BC is left blank.

2. The Government in G.O.Ms.No.23 B.C. Welfare (C2) Department, dt. 07.07.2007 issued orders for inclusion of socially and educationally backward classes of muslims residing in the State and included them in the category of Backward Classes under separate category "E".
3. The Transfer Certificate produced by the applicant was issued on 08.11.2010 by KVS High School, Chiluvuru Village, Duggirala Mandal in col.No. of the TC provides for noting of the fact as to whether the student belongs to SC/ST/BC and whereas that column was left blank. Had the applicant belonged to BC community, as per the G.O.Ms.No.23 B.C. Welfare (C2) Department, dt. 07.07.2007, it could have been mentioned so against col.5 of the TC. Since, it is not mentioned so, it can be deemed that she does not belong to BC "E" category. Though, the G.O for providing for Muslims as BC "E" category existed as on the date of the issue of the TC, non-mentioning of her caste in the TC, as belonged to BC "E" community, goes to conclude that she does not belong to BC "E" community and as such she is not entitled for caste certificate in the category of BC "E" category.
4. The application in CGC 012144589548, dt. 20.09.2021 is therefore rejected accordingly."

3. a) **Filing of appeal against the above order of the Tahsildar, Duggirala:** Aggrieved by the above order issued by the Tahsildar, Duggirala, Smt Shaik Jabeen W/o Sadhik has filed this appeal U/s.7 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993 on 24.09.2021 before the District Collector, Guntur. As seen from the appeal petition the following grounds are urged therein.

**b) Grounds of the appeal as mentioned in the appeal petition:**

1. "The order of the competent authority cum Mandal Revenue Officer, Duggirala is contrary to the procedure established by law the weight of evidence, and probabilities of the case.
2. The Competent authority has committed a grave error in coming to a conclusion the non-observance of caste in the caste column of the Transfer certificate issue by a private school would preclude the appellant from claiming the case.
3. It is respectfully submitted that the application bearing No: CGC012144589548 dated:20.09.2021 has been made for issuance of caste certificate as the applicant has won MPTC election and is intending to contest for MPP Presidential elections, as the same is a reserved constituency.
4. It is further respectfully submitted that the present application and appeal are guided by circular bearing No:66/SEC-B1/2020, dated:06.03.2020 issued by the State Election Commissioner. In view of the same, the application / Appeal has to be considered expeditiously so as to enable the applicant to participate in the Elections.
5. It is further respectfully submitted that the competent authority was motivated by the political factors and the people in power and accordingly, has rejected the applicant in contravention with the procedure envisaged under Andhra Pradesh Scheduled castes Scheduled Tribes and Back Classes – Issue of Community, Nativity, and date of Birth Certificate Rules, 1997 hereafter referred to as Rules.
6. It is further respectfully submitted that in accordance to procedure established under Rule, 5 (a) the 5, the Competent Authority shall ensure that the applicant has furnished complete information then verify the information /documents/ evidence furnished by the applicant if the

competent authority is satisfied by the information supplied he shall issue the community certificate in Form – III. The applicant has submitted the caste certificate of her brother (Father's brother's son) which evidentially shows that the applicant also belongs to the same community, it is also evident from the surname of the applicant that she belongs to the BC- E Community.

7. It is further respectfully submitted that, in accordance to Rule 5 (2) if at all the competent authority feels that further inquiry is necessary, he shall then examine the school records, birth registration certificate, if any, and also examine the parent / guardian or applicant, in relation to his / her / their community. He may examine any other person who has the knowledge of the social status of the applicant / parent / guardian, as the case may be, however, the competent authority has directly jumped into conclusion basing on the transfer certificate issued by the private School Management.
8. It is further respectfully submitted that the competent authority has rejected the application only after a writ petition has been filed before the Hon'ble High Court seeking direction to issue the caste certificate to the Competent Authority.
9. It is further respectfully submitted that, the Revenue Inspector and the Village Revenue Officer has conducted the inquiry in respect of the application and has submitted reports to the competent authority with regard to the facts and circumstances of the application, however, the competent authority has high handedly not considered the reports and has relied on the transfer certificate of a private school with a prejudiced mind to reject the application and the order of rejection has been communicated at 3.30 P.M. on 24.09.2021, even after the directions of the Hon'ble court in W.P. No:21353 of 2021.

10. It is further respectfully submitted that the MPP presidential elections are scheduled to be held on 24.09.2021 have been postponed to 25.09.2021 for want of quorum, as I am the candidate belonging to the Telugu Desam Party that has the highest majority in the Mandal Praja Parishad, I am entitled to be elected as MPP President if I am permitted to file nomination by issuing the caste certificate in time.
11. It is further respectfully submitted that all the relatives by blood and matrimony of the applicant are recognised under the BC-E category, and the caste certificates are herewith enclosed, if the rejection order of the competent authority is permitted to continue and the applicant is not issued with the caste certificate, the appellant will be put to severe hardship and irreparable loss.
12. It is further respectfully submitted that, the orders of the Mandal Revenue Officer, cannot be sustained in law”.

Finally prayed that for the above and other grounds that are to be urged at the time of the hearing and to allow the appeal by setting aside the orders of the competent authority issued vide Rc.No:273/2021/B, dated:22.09.2021 and consequently issue the caste certificate expeditiously.

**4. The appellant filed the following documents along with appeal petition.**

- i. Order bearing Rc.No:273/21/B, dated:22.09.2021 of the Tahsildar, Duggirala.
- ii. Xerox copy of Minority certificate dated:23.05.2014 issued to Mahamad Nijamuddin, S/o Khaja Mohiddin of Chiluvuru by the Tahsildar, Duggirala.



- iii. Caste certificate dated:02.11.2020 issued by the Tahsildar, Duggirala to Mahamad Thasmuddin, S/o Jalaluddin of Chiluvuru as belonging to BC-E.
- iv. Caste certificate dated:04.12.2012 issued by the Tahsildar, Duggirala to Mahamad Apzuluddin, S/o Khaja Mohiddin, Chiluvuru by the Tahsildar,Duggirala.
- v. Caste certificate dated:04.08.2015 issued by the Tahsildar, Duggirala to Mahamad salvavuddin, S/o Bhajuddin cate B.C- E by the Tahsildar, Duggirala.
- vi. Caste certificate dated:26.08.2015 issued by the Tahsildar, Duggirala to Sk.Abdul Hameed, S/o Shajahan, as BC- E, Chiluvuru by the Tahsildar, Duggirala.
- vii. Caste certificate dated:23.08.2012 issued by the Tahsildar, Duggirala to Mahamad Kasim, S/o Bhajuddin, as B.C. – E.
- viii. Caste certificate dated:17.07.2021 issued by the Tahsildar, Duggirala to Sk. Abdul Asifeed, S/o Hameed, as B.C. – E.
- IX. Xerox copy Aadhar bearing No:808273227516 of Sk. Jabeen, W/o Sadik.
- X. S.S.C. of Md. Jabeena, D/o Badaruddin.
- XI. T.C. bearing No:86/10-11 with admission No:6797/04, dated:27.10.2008.
- XII. Rice Card issued to Jabeen.
- XIII. Aadhar Card of Mahamad Nizamuddin.

XIV. Aadhar Card of Mahamad Bhajuddin.

XI. Aadhar Card of Mahamad Bhajurddin.

XVI. Aadhar Card of Mahamad Jalaluddin.

XVII. Rice Card of Mahamad Bhajidbee.

XVIII. Circular No:66/SEC-B1/2020, dated:06.03.2020 issued by the A.P.State Election Commission.

XIX . Director BC Welfare letter Rc.No:E/1261/2012, dated: 06.07.2012 addressed to the Dist. Collector, Krishna.

XX. Election Certificate in Form – XXIX issued to Sk.Jabeen certifying her Election as Member of Chiluvur MPTC – I.

**5. Remarks of the Sub-Collector, Tenali on the appeal petition:**

a) A copy of the appeal petition was forwarded to the Sub Collector, Tenali for causing a detailed enquiry and submitting detailed report as per Collector, Guntur Rc.No.603/2021/C4, dt.01.10.2021.

b) The Sub Collector, Tenali has submitted her report on 11.10.2021 stating that Smt shaik Jabeen D/o Baduruddin resident of Chiluvuru village filed an application for issuance of caste certificate claiming her caste as BC-E under the caste category of Muslim-Mohammad, vide application No.CGC012144589548.

ii) The applicant and others deposed that they are performing Namaj in Masjid and that all their family members were issued BC-E caste certificate under 'Shaik' and 'Mohammad' category from Tahsildar's office, Duggirala; and that during the enquiry, the applicant and her relatives have concluded that they belong to 'Shaik' category which comes under BC-E.

iii) The neighboring residents were enquired about the caste of the appellant, and they stated that the appellant and her father are known to them and they are following Mohammad Pravakta, they go to Masjid for Namaj, the family members of Shaik Baduruddin got married to the families having surname 'Shaik' and they belong to BC-E category . The Imam of Masjid of Chiluvuru village also deposed that the family of Mahammad Baduruddin following Islam religion and come to the Mosque for Namaj. The Imam stated that they are not maintaining any register pertaining to Shaik/Syed/Moghals.

iv) The Sub Collector, Tenali stated that the appellant filed the following caste certificates issued to her relatives.

Sl. No.	Name of the individual	Relationship with the Appellant	Name of the caste to which the caste Certificate issued	Date of issue of caste certificate
1.	Sri Mohammad Afjaluddin, S/o Khaja Mohiddin, R/o Chiluvur	Appellant's father's elder brother	Shaik BC-E	04.07.2017
2.	Sri Mohammad Khaja Mohiddin, S/o	Appellant's father's elder brother's son	Mohammad BC-E	28.10.2015

3.	Sri Mohammad Salaluddin, S/o Bajuddin	Appellant's father's elder brother's son	Mohammad BC-E	04.08.2015
4.	Sri Shaik Abdul Hameed, S/o Shajahan	Appellant's husband's brother	Shaik BC-E	26.8.2015
5.	Sri Shaik Afifa, S/o Abdul Hameed	Appellant's husband's brother's son	Shaik BC-E	25.8.2015
6.	Sri Shaik Abdul Asif, S/o Abdul Hameed	Appellant's husband's brother's son	Shaik BC-E	17.7.2021
7.	Sri Mohammad Khasim, S/o Bajuddin	Appellant's father's elder brother's son	Mohammad BC-E	23.8.2012

v) The Sub Collector, Tenali stated that the appellant has claimed her caste as Muslim-Mohammad in her application, but she claimed her caste as 'Shaik' in WP.No.23133/21.

vi) The Sub Collector, Tenali stated that the appellant has reportedly taken different stands as Shaik/Mohammad.

vii) The Sub collector, Tenali further stated that the Tahsildar, Duggirala also examined the school records, i.e., Transfer certificate, as per rule 5(b) of the A.P(SCs,STs & BCs) Regulation of issue of community certificates Rules, 1997 and found that the caste of the individual was not mentioned in Col.No.5 of the T.C.

The Sub collector, Tenali finally stated that the Tahsildar, Duggirala felt that the appeal petition is not in accordance with law and it can be rejected.

6. It is stated in the report of the Sub Collector, Tenali stated that Smt Shaik Jabeen and her father Mohammad Baduruddin were enquired on 09.10.2021, along with others and recorded their statements in connection with the caste status enquiry of Smt shaik Jabeen and that the gist of the depositions of the individuals are as follows.

a) Contents of the Statement of Smt. Shaik Jabeen, W/o Sadiq and D/o Mohammad Baduruddin aged about 28 years.

She was the R/o Chiluvur village. Her father Sri Mohammad Baduruddin was also the resident of Chiluvur village. She studied up to 10<sup>th</sup> Standard at KVS High School, Chiluvur. She was married to Shaik Sadiq in the year 2010. They have 2 children. Her father belongs to Shaik category. Her father and grand father belongs to Chiluvur village. She was married to her father's sister's son Sri Shaik Sadiq. Her husband and her father went to the Masjid which is located in Chiluvur village. The ritual affairs of her husband and her father are same to same. Her father will do Namaj. Her father's brother's son ie., cousin brother Sri Mohammad Salamuddin got caste certificate as Mohammad from Tahsildar's Office Duggirala. Father's another brother Sri Mohammad Afzaluddin also got BC-E caste certificate from the Tahsildar's Office, Duggirala and also Sri Mohammad Tasumuddin also got caste certificate as Shaik BC-E and Sri Mohammad Khasim also got caste certificate as Mohammad BC-E certificate from the Tahsildar's Office, Duggirala. Her son's( Shaik Sadaaf) caste was also mentioned as BC-E in the School Records of Vijetha High School.

She finally stated that she belongs to Shaik category.

**b) Contents of the statement of Sri Mohammad Baduruddin S/o Mohammad Khaja Mohiddin, aged about 48 years ( Father of Smt. Shaik Jabin)**

He was the resident of Chiluvur village. He was doing lemons business duly taking cowl for the lemon garden. He was married with Mohammad Bajidbi in the year 1993. They have got 3 female children. He studied up to 3<sup>rd</sup> class in the Urdu School located at Chiluvur village. They belong to Shaik category. They are residing at Chiluvur village since their fore fathers. On every Friday, he went to the Masid located at Chiluvur village. The ritual affairs are same to same for the persons who have the surname as Shaik and Mohammad. Since their fore fathers, all belong to Shaik Category. It is a sentiment/trust/believe to put the name of Mohammad Pravakta as surname. As per their ritual affairs, if anybody dies in their community, they will get buried in the soil. There are no separate Mohammads and all belong to Shaik category. He finally stated that they belongs to Shaik category.

**c) Contents of the statement of Sri Mohammad Bajuddin, S/o Khaja Mohiddin, aged about 53 years, R/o Chiluvur village ( father's elder brother of the individual Smt. Shaik Jabeen)**

He was doing agriculture. He was the elder brother of the father of Smt. Shaik Jabeen. They all are 5 brothers. They have given their daughters to Shaik families. They are following the ritual affairs of Mohammad Pravakta Salaila valaikum Sallam and also going to Masjid for Namaj. They don't know whether they belong to Ali Rajihutaala Anuhu or Abubakar Siddhik Rajihutaala. But they belong to BC-E category.

**d) Contents of the statement of Sri Mohammad Nizamuddin, S/o Khaja Mohiddin, aged about 58 years, R/o Chiluvur village ( father's elder brother of the individual)**

He was doing agriculture. He was also the elder brother of the father of Smt. Shaik Jabeen. They all are 5 brothers. Their all brothers have given their daughters to Shaik families. They are following the ritual affairs of Mohammad Pravakta Salaila valaikum Sallam and also going to Masjid for Namaj. They don't know whether they belong to Ali Rajihutaala Anuhu or Abubakar Siddhik Rajihutaala. But they belong to BC-E category.

**e) Contents of the statement of Sri Mohammad Afjaluddin, S/o Khaja Mohiddin, aged about 50 years, R/o Chiluvur village.**

He was the elder brother of the father of Amt. Shaik Jabeen, W/o Sadiq. He was doing agriculture. They all are 5 brothers. All of his brothers have given their daughters to Shaik families. They are following the ritual affairs of Mohammad Pravakta Salaila valaikum Sallam and also going to Masjid for Namaj. They all belong to BC-E category.

**f) Contents of the statement of Sri Mohammad Jaluddin, S/o Khaja Mohiddin, aged about 46 years, R/o Chiluvur village.**

He was the younger brother of the father of Amt. Shaik Jabeen, W/o Sadiq. He was doing agriculture. They all are 5 brothers. All of his brothers have given their daughters to Shaik families. They are following the ritual affairs of Mohammad Pravakta Salaila valaikum Sallam and also going to Masjid for Namaj. They are following the ritual affairs of Islam Religion. They all belong to BC-E category.

**g) Contents of the statement of Sri Mohammad Jainur Abid S/o Ismail, aged about 52 years, Shaik Mustafa, S/O Hassan Ahammad, aged about 48 years, Shaik Hassan Ahammad, S/o Mastan, aged about 71 years, Shaik Sattar, S/O Alisha Mastan, aged about 71 years ( neighbours)**

They are the residents of Chiluvur village. They are well known about the father of Smt. Shaik Jabeen, W/o Sadiq and D/o Mohammad Baduruddin. They are following the Mohammad Pravakta ritual affairs. They will go to Masjid and do Namaj. They have given their daughters to the families having Shaik as surname. The father of Sri Khaja Mohiddin ( grand father of the individual) has worked as Village Servant at Chiluvur village. They belongs to BC-E category.

**h) Contents of the statement of Sri Shaik Nabid Iqbal, S/o Nasiruddin, aged about 42 years, R/o Chiluvur village.**

He stated that he is working as Imam in the Masjid located at Chiluvur village and residing at Chiluvur village since 20 years. He was well known about Sri Mohammad Baduruddin S/o Khaja Mohiddin. They all are 5 brothers, he also performed the marriage ( Nikha) to all the daughters of the all 5 brothers. They all are following the ritual of Islam Religion. They all are coming to this Masjid and do Namaj. They are not maintaining any register duly mentioning as Shaik / Sayyed/ Moghals.

7. The Sub Collector, Tenali stated that those who have the surname/prefix of "Mohammad" were issued caste certificates of "Mohammad" and they are the relatives from her paternal side and those who have the surname/prefix of "Shaik" were issued caste certificates of "Shaik" and they are the relatives from the side of her husband and whereas in the instant case, the Appellant has contended in her statement Dt: 09.10.2021 that she belongs to " Shaik" caste and further claimed that " Mohammed" is not a caste.

8. As seen from G.O.Ms.No.23 BCW(C2) Dt: 07.07.2007, 15 classes of Muslims are notified as Socially and Educationally Backward Classes (SEBC) under BC "E" category and that in those 15 classes the muslim surnames/prefixes like, Shaik, Syed, Pathan etc., are shown separately. Under such circumstances, there is no evidence to show those having the surname/prefix of "Mohammad" are " Shaiks".



Hence, the contention of the Appellant that they should be treated as "Mohammad" cannot be accepted.

9. It is stated in the report that the individual further mentioned her caste as "Mohammad" against Col No.9 and the caste of her parents was also noted as "Mohammad" against Col.No.10 whereas in writ petition she claimed her caste as "Shaik".

10. It is further stated that as explained above, the Appellant is taking different stands with regard to her caste, as "Shaik" some times and "Mohammed" some times; She has also not quoted any provisions of law and also not produced any legal document to show that "Mohammads" are "Shaiks" and in such a position without mentioning her sub-caste and without consistency in her claim, she cannot be issued caste certificate, as mentioning of caste is mandatory for issue of caste certificate, through online.

11. Rule 5(b) of the AP (SCs, STs and BCs) Regulation of issue of Community Certificates Rules, 1997, lays down that if the competent authority feels that further enquiry is necessary, he shall then examine the School Records. Accordingly, the Tahsildar had verified the Transfer Certificate of the applicant and that of her sisters and found that the Column No. 5 intended for mentioning to the caste of the student was found kept blank (---) in all their Transfer Certificates.

12. It is reported that, the request of the Appellant to consider her as belonging to "Shaik" caste is not in accordance with law and therefore cannot be considered and consequently prayed that the Appeal may be rejected.

13. a) Meanwhile, the appellant has filed wp.No.23133/2021 in the Hon'ble High Court of AP, Amaravathi, seeking directions to the District Collector, Guntur to dispose of the appeal petition filed by the individual and to issue BC-E caste certificate to the petitioner.

b) The Hon'ble High Court has issued order dt.07.10.2021, in the above WP, as follows.

“The case of the petitioner is that the petitioner belongs to Shaik caste and the same is categorized as BC-E vide G.O.Ms.No.23, dated 07.07.2007. The petitioner is resident of Chiluvuru and contested as the MPTC from Chiluvuru-1 general territorial constituency and emerged victorious. The post of President Mandal Praja Parishad, Duggirala is reserved for BC woman and the TDP-Janaseena combine has selected the petitioner to contest as the President, Mandal Praja Parishad, Duggirala.

The petitioner made an application through Gram Ward Sachivalayam for issuance of caste certificate vide Application No.CGC012144589548 by paying the requisite fee on 20.09.2021 and has submitted all the documents required to be enclosed with the application along with caste certificates issued to the cousins(paternal uncle's sons) of the petitioner and has made several visits to the office of the 6th respondent requesting for issuance of caste certificate at the earliest so as to enable the petitioner to contest in the election scheduled to be held on 24.09.2021.

The petitioner filed W.P.No.21353 of 2021 before this court seeking a direction to the respondents to issue caste certificate to the petitioner so as to facilitate her for contesting the Mandal Praja Parishad election. But, during the pendency of the writ petition itself, the 6th Respondent has rejected the application for issuance of caste certificate vides Rc.No.273/2021/B, dated 22.09.2021. Against the order of the 6th Respondent, the petitioner preferred an appeal, before the 3rd Respondent on 24.09.2021. Till then the appeal is pending. Meanwhile, notification was issued for the election of Member(co-opted), President and Vice President of Mandal Praja Parishad, Duggirala, vide notification No.1720/SEC-B1/2021-1, dated 19.09.2021 and the election is

scheduled to be held on 24.09.2021 at 3-00 p.m. but, the said schedule has been postponed due to lack of quorum. Now it is scheduled on 08.10.2021 at 3.00p.m.

The learned Senior Counsel appearing on behalf of the petitioner submits that the 6th Respondent, while rejecting the application of the petitioner failed to follow the procedure prescribed U/Sec.5(b) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993.

He further submits that the 6th Respondent did not peruse all the relevant documents submitted along with the application, simply basing on the school transfer certificate, one of the documents produced by the petitioner, rejected the application of the petitioner. Though, the petitioner preferred an appeal before the Appellate Authority, no order is passed till date and due to that reason, the petitioner is not in a position to contest for the post of President, Mandal Praja Parishad, Duggirala and sought to stay the elections for the post of President, Mandal Praja Parishad, Duggirala.

On the other hand, the learned Government Pleader, Office of the learned Additional Advocate General, submits that the 6th Respondent rightly rejected the application of the application of the petitioner considering the material available on record. He also submits that election notification was issued on 01.10.2021 and as such, this Court cannot interfere into the election process in view of the earlier orders passed by the Hon'ble Apex Court and this Court.

Having heard the contentions of the respective counsels and upon perusal of the material available on record, it is clear that the petitioner has submitted application for issuing caste certificate on 20.09.2021. The 6th Respondent rejected the said application on 22.09.2021. The petitioner preferred an appeal on 24.09.2021 before the 3rd Respondent. Election notification was issued on

01.10.2021 and the election was scheduled on 08.10.2021 at 3-00 P.M. It appears from the record that the petitioner has submitted all relevant documents to establish her community with the application, dated 20.09.2021. But, the 6th respondent considering only school transfer certificate, rejected the application of the petitioner.

On careful examination of the rejection order passed by the Tahsildar (i.e.,) 6th Respondent on 22.09.2021, it is clear that no other documents are considered by the 6th Respondent. It is also clear that the procedure provided U/Sec.5 (b) of The Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993 also not followed before passing the rejection order.

The petitioner is a woman belongs to Minority Community. In the background of social structure of this country, the women belong to Minority Community will get opportunity very hardly to occupy the public positions. In such circumstances, when the petitioner is contending to contest as President, Mandal Praja parishad, Duggirala, which is reserved for BC category, depriving her legitimate right on some technicalities is unreasonable, as per the *prima facie* opinion of this Court. By not conducting election for one Mandal President post for one week, it would not cause damage to the democracy of this country.

In peculiar facts and circumstances of the case and to provide reasonable opportunity to a woman belongs to Minority Backward Community, this court, by exercising the powers vested under Article 226 of the Constitution of India, direct the 3rd Respondent to dispose of the appeal filed by the petitioner within one week from today and till then, the respondents are directed not to conduct elections to the post of Mandal Praja Parishad, Duggirala, Guntur District."

c) The District Collector has filed an appeal in WA No. 647/2021 against the above order of the learned single judge, in which the following order is passed:-

“ We are of the opinion that in a matter of the present nature, where caste certificate for an elected representative was rejected and when an appeal was filed against such rejection, bearing in mind that elections for the post of President and Vice President of Mandal Praja Parishad, Duggirala, Guntur District was round the corner and as the writ petitioner is taking a plea that she belongs to the category for which the post of President was reserved, it was incumbent on the part of the District Collector to have disposed of the appeal as expeditiously as possible. It is in the backdrop of the aforesaid factual matrix, the learned single Judge passed the impugned order directing the District Collector to dispose of the appeal within a period of one week from the date of the order and stayed the election to Mandal Praja Parishad, Duggirala for the aforesaid period.

The portion on which Mr. Syed Khader Masthan relied upon to contend that certain findings have been recorded by the learned single Judge, reads as follows:

*“It appears from the record that the petitioner has submitted all relevant documents to establish her community with the application, dated 20.09.2021. But, the 6th respondent considering only school transfer certificate, rejected application of the petitioner.*

*On careful examination of the rejection order passed by the Tahsildar (i.e.) 6th Respondent on 22.09.2021, it is clear that no other documents are considered by the 6th Respondent. It is also clear that the procedure provided U/Sec.5(b) of The Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993 also not followed before passing the rejection order.”*

*In view of the above discussion, we see no good ground to interfere with the order under challenge and, accordingly, the writ appeal is dismissed. However, we make it clear that the observations of the learned single Judge which are extracted in the present judgment shall not influence appellant No.2 District Collector while disposing of the appeal and the appeal shall be considered on its own merits.*

**14. Written arguments filed by the appellant & findings of the appellate authority on each of them:** The Notice dt. 09.10.2021 was issued to the appellant and the Respondent (Tahsildar, Duggirala) to attend for personal hearing of the appeal at 4.30 P.M on 12.10.2021 at Collector's Office, Guntur. The appellant, along with her advocate, attended the hearing and filed written arguments as follows and the merits and demerits of each of the grounds are discussed and finding recorded under each of them separately :-

(1) That the appellant has preferred the present appeal challenging the proceedings issued vide Rc.No.273/2021/B, dated: 22.09.2021, issued rejecting the application made for issuance of the caste certificate without proper and valid reasons.

**Finding:** This is a general ground and not a specific ground and therefore merits no discussion.

(2) That the rejection order dated 22.09.2021 has been passed by the respondent on a surmises that the Transfer Certificate issued by the private aided KVS High School did not specify the caste of the applicant, it is my respectful submission that the applicant has submitted the caste certificates of the her brother along with the application, however the respondent without considering the same or according the appellant an opportunity of hearing has rejected the application for issuance of caste

certificate in contravention of the procedure contemplated under Rule 5 of the (Scheduled Castes, Scheduled Tribes & Backward Classes) Issue of Community, Nativity and Date of birth Certificates Rules, 1997, herein after referred to as Rules.”

Rule 5(b) of the A.P (S.C., S.T. &B.C) Issue of Community, Nativity, and Date of Birth Certificates Rules, 1997 lays down that the competent authority feels that further enquiry is necessary, he shall then examine the school records, birth registration certificate, if any. Accordingly, the Tahsildar, before passing the impugned order, verified the T.C issued on 08-11-2010 by KVS High School, Chiluvuru village, Duggirala Mandal and rejected the caste certificate application with the following observation.

“Col.5 of the TC provides for noting of the fact as to whether the student belongs to SC/ST/BC and whereas that column was left blank. Had the applicant belonged to BC community, as per the G.O 2<sup>nd</sup> read above, it could have been mentioned so against col.5 of the TC. Since, it is not mentioned so, it can be deemed that she does not belong to BC “E” category. Though the G.O for providing for Muslims as BC “E” Category existed as on the date of the issue of the TC, non-mentioning of her caste in the TC, as belonged to BC “E” community, goes to conclude that she does not belong to BC “E” Community and as such she is not entitled for caste certificate in the category of B.C “E” category”.

**Finding:** Since, the verification of the TC by the Tahsildar, Duggirala, before rejecting the caste certificate application is in accordance with the said rule 5 (b), cannot be said to be violation of the procedure contemplated therein to that extent.

(3) That the appellant herein Shaik Jabeen, W/o Shaik Sadik and daughter of Mohammad Badruddin who belongs to Shaik community, has contested in MPTC election from Chiluvuru General Constituency and stood victorious and is now intending to contest for the ensuing MPP President elections, where the same is reserved for the BC Women.

**Finding:** Since this aspect is not related to caste certificate, the same is not discussed.

(4) That the appellant has made an application for issuance of caste certificate, vide application dated 20.09.2021 and the same has been rejected by the respondent without adjudicating in accordance to the scheme and the provisions of the Act and Rules, for extraneous reasons and considerations at the instance of people in power.

**Finding:** This allegation is general in nature and not specific and without any material evidence, this point is ignored.

(5) That by blood and matrimony the appellant herein belongs to the Shaik-Mohammad Community, and has married Shaik Sadik who is son of her paternal aunt (Father's – Sister's-Son) in the year 2010 and have two children by name Shaik Sadaf and Tameem Mehtab who are also recognized as persons belonging to Backward castes as per the school records.

**Finding:** A perusal of the caste certificate issued to the family of appellant (both her parents side and that of her husband's side) show that the caste certificates of both Shaik and Mohammad are issued. A careful examination of the same shows that those of parent's side were issued Mohammad caste certificates and those of her husband side were issued



Shaik caste certificates. This position shows that Mohammad and Shaik are different castes and whereas the appellant, though claimed to be belonging to "Shaik-Mohammad" community, has not produced any evidence to that effect even during the enquiry of this appeal and as such the above contention is not tenable.

(6) That the caste certificates of the appellant's cousin brother i.e., son of the paternal uncle of the applicant has been annexed along with the application for caste certificate, if the authority is not satisfied with the claim of the appellant, the authority should have caused further enquiry in accordance to Rule 5, however the respondent at the instance of the people in power, for the reasons best known, has rejected the application for issuance of caste certificate by the appellant herein.

**Finding:** The appellant has not produced any evidence on the allegation made against the respondent and as such the allegation is ignored. Regarding the contention of the appellant that further enquiry envisaged in rule 5 was not conducted by the respondent-Tahsildar, the verification of school records i.e., T.C., is part of the further enquiry, as per rule 5 (b) of the A.P. (S.C., S.T & B.C.) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997. However, the respondent Tahsildar has not further examined the parents of the applicant, as envisaged in the said rule 5(b), before rejection of her caste certificate and that therefore the same has been got done now through the Sub-Collector, Tenali for the purpose of enquiry.

The Sub Collector, Tenali got enquired the individual, her father and other blood relatives in this regard and got their depositions recorded and filed the same along with her report. The Sub Collector, Tenali stated that the Father of the applicant, blood relatives of the father of the applicant also attended for

enquiry. The applicant and others deposed that they are performing Namaj in Masjid and all their family members were issued BC-E caste certificate under 'Shaik' and "Mohammad" category from Tahsildar's office, Duggirala. During the enquiry, the applicant and her relatives have concluded that they belong to 'Shaik' category which comes under BC-E. The neighboring residents were also enquired about the caste of the appellant, and they stated that the appellant and her father are known to them and they are following Mohammad Pravakta, they go to Masjid for Namaj, the family members of Shaik Baduruddin got married to the families having surname 'Shaik' and they belong to BC-E category. The Imam of Masjid of Chiluvuru village also deposed that the family of Mahammad Baduruddin following Islam religion and come to the Mosque for Namaj. The Imam stated that they are not maintaining any register pertaining to Shaik/Syed/Moghals.

The Sub Collector, Tenali stated that those who have the surname/prefix of "Mohammad" were issued caste certificates of "Mohammad" and they are the relatives from her paternal side and those who have the surname/prefix of "Shaik" were issued caste certificates of "Shaik" and they are the relatives from the side of her husband and whereas in the instant case, the Appellant has contended in her statement Dt: 09.10.2021 that she belongs "Shaik" caste and further claimed that "Mohammed" is not a caste.

It is further stated that as seen from G.O.Ms.No.23 BCW(C2) Dt: 07.07.2007, 15 classes of Muslims are notified as Socially and Educationally Backward Classes (SEBC) under BC "E" category and that in those 15 classes the muslim surnames/prefixes like, Shaik, Syed, Pathan etc., are shown separately. Under such circumstances, there is no evidence to show those having the surname/prefix of "Mohammad" are "Shaiks". Hence, the contention of the Appellant that they should be treated as "Mohammad" cannot be accepted.

It is also stated in the report that the individual further mentioned her caste as "Mohammad" against Col No.9 and the caste of her parents was also noted as "Mohammad" against Col.No.10 whereas in writ petition she claimed her caste as "Shaik".

It is further stated by the Sub Collector that as explained above, the Appellant is taking different stands with regard to her caste, as "Shaik" some times and "Mohammed" some times; She has also not quoted any provisions of law and also not produced any legal document to show that "Mohammads" are "Shaiks" and in such a position without mentioning her sub-caste and without consistency in her claim, she cannot be issued caste certificate, as mentioning of caste is mandatory for issue of caste certificate, through online.

(7) That Rule 5 envisages procedure for verification of the application, (the Rules are annexed as P-1 for the perusal) the respondent in transgression of the same has rejected the application on 22.09.2021 and communicated the same on 24.09.2021, after filing writ petition before the Hon'ble High Court of Andhra Pradesh bearing W.P.No.21353 of 2021 for the reasons best known, being aggrieved by the same, the appellant has preferred the Appeal before this authority under section 7 of the Act, on 24.09.2021; After waiting for more than 2 weeks, the petitioner has moved the Hon'ble High Court of Andhra Pradesh, vide W.P.No.23133 of 2021, as the election for the MPP President, Duggirala is scheduled to be conducted on 08.10.2021 and the same would cause irreparable loss. The Hon'ble High Court was pleased to direct this esteemed authority to consider the matter within 1 week from the date of orders (order copy is annexed at p-11), when the matter stood thus, the respondent has sent notice dated 08.10.2021 and asked the appellant to attend inquiry on 09.10.2021 at 4.00 PM and the same was served upon the appellant herein

on 09.10.2021 at 2.45 PM, however the appellant has attended the inquiry and the respondent authority has video graphed the proceeding of the inquiry and recorded the statement of the appellant and the father of the appellant.

**Finding:** The verification of school records i.e., T.C., is part of the enquiry as per rule 5 (b) of the A.P. (S.C., S.T & B.C.) Issue of Community, nativity and Date of Birth Certificates Rules, 1997. However, the respondent-Tahsildar has not further examined the parents and the applicant, before rejection of her caste certificate and therefore the same has been got done through the Sub-Collector, Tenali for this purpose of this appeal.

The Sub Collector, Tenali got enquired the individual, her father and other blood relatives in this regard and got their depositions recorded and filed the same along with her report.

The Sub Collector, Tenali stated that those who have the surname/prefix of "Mohammad" were issued caste certificates of "Mohammad" and they are the relatives from her paternal side and those who have the surname/prefix of "Shaik" were issued caste certificates of "Shaik" and they are the relatives from the side of her husband and whereas in the instant case, the Appellant has contended in her statement Dt: 09.10.2021 that she belongs " Shaik" caste and further claimed that " Mohammed" is not a caste.

It is further stated that as seen from G.O.Ms.No.23 BCW(C2) Dt: 07.07.2007, 15 classes of Muslims are notified as Socially and Educationally Backward Classes (SEBC) under BC "E" category and that in those 15 classes the muslim surnames/prefixes like, Shaik, Syed, Pathan etc., are shown separately. Under such circumstances, there is no evidence to show those having the

surname/prefix of "Mohammad" are " Shaiks". Hence, the contention of the Appellant that they should be treated as "Mohammad" cannot be accepted.

It is also stated in the report that the individual further mentioned her caste as "Mohammad" against Col No.9 and the caste of her parents was also noted as "Mohammad" against Col.No.10 whereas in writ petition she claimed her caste as "Shaik".

It is further stated by the Sub Collector that as explained above, the Appellant is taking different stands with regard to her caste, as "Shaik" some times and "Mohammed" some times; She has also not quoted any provisions of law and also not produced any legal document to show that "Mohammads" are " Shaiks" and in such a position without mentioning her sub-caste and without consistency in her claim, she cannot be issued caste certificate, as mentioning of caste is mandatory for issue of caste certificate, through online.

The Sub Collector, Tenali stated that the appellant filed the following caste certificates issued to her relatives.

Sl. No.	Name of the individual	Relationship with the Appellant	Name of the caste to which the caste Certificate issued	Date of issue of caste certificate
1.	Sri Mohammad Afjaluddin, S/o Khaja Mohiddin, R/o Chiluvur	Appellant's father's elder brother	Shaik BC-E	04.07.2017

2.	Sri Mohammad Khaja Mohiddin, S/o	Appellant's father's elder brother's son	Mohammad BC-E	28.10.2015
3.	Sri Mohammad Salaluddin, S/o Bajuddin	Appellant's father's elder brother's son	Mohammad BC-E	04.08.2015
4.	Sri Shaik Abdul Hameed, S/o Shajahan	Appellant's husband's brother	Shaik BC-E	26.8.2015
5.	Sri Shaik Afifa, S/o Abdul Hameed	Appellant's husband's brother's son	Shaik BC-E	25.8.2015
6.	Sri Shaik Abdul Asif, S/o Abdul Hameed	Appellant's husband's brother's son	Shaik BC-E	17.7.2021
7.	Sri Mohammad Khasim, S/o Bajuddin	Appellant's father's elder brother's son	Mohammad BC-E	23.8.2012

The Sub Collector, Tenali stated that the appellant has claimed her caste as Muslim-Mohammad in her application, but she claimed her caste as 'Shaik' in W.P.No.23133/21. The Sub Collector, Tenali stated that the appellant has reportedly taken different stands as Shaik/Mohammad.

The Sub collector, Tenali further stated that the Tahsildar, Duggirala also examined the school records, i.e Transfer certificate as per rule 5(b) of the A.P (SCs, STs & BCs) regulation of issue of community certificates rules 1997 and found that the caste of the individual was not mentioned in Col.No.5 of the T.C.

(8) It is further respectfully submitted that in accordance to procedure established under Rule 5(a) the 5, the Competent Authority shall ensure that the applicant has furnished complete information then verify the information/documents/evidence furnished by the applicant if the competent authority is satisfied by the information supplied, he shall issue the Community Certificate in Form III. The applicant has submitted the caste certificate of her brother (father's brother's son) which evidentially shows that the applicant also belongs to the same community, it is also evident from the surname of the applicant that she belongs to the BC-E community.

**Finding:** Rule 5(b) of the A.P (S.C., S.T. & B.C) Issue of Community, Nativity, and Date of Birth Certificates Rules, 1997 lays down that the competent authority feels that further enquiry is necessary, he shall then examine the school records, birth registration certificate, if any. Accordingly, the Tahsildar, before passing the impugned order, verified the T.C issued on 08-11-2010 by KVS High School, Chiluvuru village, Duggirala Mandal and rejected the caste certificate application.

At the appeal stage, the Collector has obtained enquiry report from the Sub Collector, Tenali. The Sub Collector, Tenali stated that the appellant has claimed her caste as Muslim-Mohammad in her application, but she claimed her caste as 'Shaik' in W.P.No.23133/21. The Sub Collector, Tenali stated that the appellant has reportedly taken different stands as Shaik/Mohammad.

The Sub collector, Tenali further stated that the Tahsildar, Duggirala also examined the school records, i.e Transfer certificate as per rule 5(b) of the A.P(SCs,STs & BCs) regulation of issue of community certificates rules 1997 and found that the caste of the individual was not mentioned in Col.No.5 of the T.C.

(9) That in accordance to Rule 5(2) if at all the competent authority feels that further inquiry is necessary, she shall then examine the school records, birth registration certificate, if any, and also examine the parent/guardian or applicant, in relation to his/her/their community. She may examine any other person who has the knowledge of the social status of the applicant/parent/guardian, as the case may be, however, the competent authority has directly jumped into conclusion basing on the transfer certificate issued by the private school management.

**Finding:** The verification of school records i.e., T.C., is part of the enquiry as per rule 5 (b) of the A.P. (S.C., S.T & B.C.) Issue of Community, nativity and Date of Birth Certificates Rules, 1997. However, the respondent-Tahsildar has not further examined the parents and the applicant, before rejection of her caste certificate, as pointed out above by the appellant and therefore the same has been got done through and the Sub-Collector, Tenali for this purpose of this appeal.

The Sub Collector, Tenali got enquired the individual, her father and other blood relatives in this regard and got their depositions recorded and filed the same along with her report. The Sub Collector, Tenali stated that the Father of the applicant, blood relatives of the father of the applicant also attended for enquiry. The applicant and others deposed that they are performing Namaj in Masjid and all their family members were issued BC-E caste certificate under 'Shaik' and 'Mohammad' category from Tahsildar's office, Duggirala. During the enquiry, the applicant and her relatives have concluded that they belong to 'Shaik' category which comes under BC-E. The neighboring residents were also enquired about the caste of the appellant, and they stated that the appellant and her father are known to them and they are following Mohammad Pravakta, they go to Masjid for Namaj, the family members of Shaik Baduruddin got married to the families



having surname 'Shaik' and they belong to BC-E category . The Imam of Masjid of Chiluvuru village also deposed that the family of Mahammad Baduruddin following Islam religion and come to the Mosque for Namaj. The Imam stated that they are not maintaining any register pertaining to Shaik/Syed/Moghals.

The Sub Collector, Tenali stated that the appellant filed the following caste certificates issued to her relatives.

Sl. No.	Name of the individual	Relationship with the Appellant	Name of the caste to which the caste Certificate issued	Date of issue of caste certificate
1.	Sri Mohammad Afjaluddin, S/o Khaja Mohiddin, R/o Chiluvur	Appellant's father's elder brother	Shaik BC-E	04.07.2017
2.	Sri Mohammad Khaja Mohiddin, S/o	Appellant's father's elder brother's son	Mohammad BC-E	28.10.2015
3.	Sri Mohammad Salaluddin, S/o Bajuddin	Appellant's father's elder brother's son	Mohammad BC-E	04.08.2015
4.	Sri Shaik Abdul Hameed, S/o Shajahan	Appellant's husband's brother	Shaik BC-E	26.8.2015

5.	Sri Shaik Afifa, S/o Abdul Hameed	Appellant's husband's brother's son	Shaik BC-E	25.8.2015
6.	Sri Shaik Abdul Asif, S/o Abdul Hameed	Appellant's husband's brother's son	Shaik BC-E	17.7.2021
7.	Sri Mohammad Khasim, S/o Bajuddin	Appellant's father's elder brother's son	Mohammad BC-E	23.8.2012

The Sub Collector, Tenali stated that the appellant has claimed her caste as Muslim-Mohammad in her application, but she claimed her caste as 'Shaik' in Wp.No.23133/21. The Sub Collector, Tenali stated that the appellant has reportedly taken different stands as Shaik/Mohammad.

The Sub collector, Tenali further stated that the Tahsildar, Duggirala also examined the school records, i.e Transfer certificate as per rule 5(b) of the A.P (SCs, STs & BCs) regulation of issue of community certificates rules 1997 and found that the caste of the individual was not mentioned in Col.No.5 of the T.C.

(10) That on bare perusal of the scheme and intent of the Act and Rules it shall be the endeavor of the authorities to issue caste certificates to the applicants and not to reject the same for some technical or flimsy grounds and cause adverse disadvantage to the applicants, the same can be seen on a bare perusal of procedure envisaged for issuance of caste certificates under rule 5, the action of the respondent in rejecting the application for the reason that the T.C submitted did not contain caste of the appellant is nothing but travesty of justice.

**Finding:** As seen from the impugned order of the respondent, the application of the appellant for issue of caste certificate was rejected, on the following ground:-

“Col.5 of the TC provides for noting of the fact as to whether the student belongs to SC/ST/BC and whereas that column was left blank. Had the applicant belonged to BC community, as per the G.O 2<sup>nd</sup> read above, it could have been mentioned so against col.5 of the TC. Since, it is not mentioned so, it can be deemed that she does not belong to BC “E” category. Though the G.O for providing for Muslims as BC “E” Category existed as on the date of the issue of the TC, non-mentioning of her caste in the TC, as belonged to BC “E” community, goes to conclude that she does not belong to BC “E” Community and as such she is not entitled for caste certificate in the category of B.C “E” category”.

A perusal of the above shows that some classes of the muslims were recognized under BC “ E” category in the year 2007 and whereas the TC was issued in the year 2010 and TC is an integral part of the School Records, for the purpose of ascertaining the caste of the student and whereas rule 5(b) of the Rules, 1997 lay down for verification of the school records; non mentioning of the caste of the appellant against Col. 5, as “ Shaik”, as is being claimed by her now, leads to draw an inference that she does not belong to “Shaik” .

However, the respondent-Tahsildar has not further examined the parents and the applicant, before rejection of her caste certificate, and therefore the same has been got done through and the Sub-Collector, Tenali for this purpose of this appeal.

(11) The appellant filed the family tree and most of the family members related to the appellant by blood possess caste certificates showing that they belong to the BC-E community.

I. Mohammad Khasim (BC-E) S/o Md. Bajuddin (Father's brothers Son).

II. Mohammad Sallavuddin (BC-E), S/o. Md. Bajuddin (Father's brothers Son).

III. Mohammad Afzaluddin (BC-E), S/o Md. Kaja Mohiddin (Father's brother)

IV. Mohammad Thasmuddin (BC-E), S/o. Md. Jallaluddin (Father's brothers Son).

V. Mohammad Nijamuddin (Muslim Minority) (Father's brother)

The above mentioned are all relatives by blood of the appellant and are certified to be persons belonging to the (BC-E) by the Tahsildar, Duggirala, *prima facie*, it is evident that the appellant belongs to the BC-E community. (The caste certificates of the above along with the aadhar cards are annexed at P-4).

**Observations:-** i) As per the report dated: 10.10.2021 in RC/273/2021/B of the Tahsildar, Duggirala, copies of the various certificates produced by the appellant are as follows:-

Sl. No.	Name of the individual	Relationship with the Appellant	Name of the caste to which the	Date of issue of caste certificate

			caste Certificate issued	
1.	Sri Mohammad Afjaluddin, S/o Khaja Mohiddin, R/o Chiluvur	Appellant's father's elder brother	Shaik BC-E	04.07.2017
2.	Sri Mohammad Khaja Mohiddin, S/o	Appellant's father's elder brother's son	Mohammad BC-E	28.10.2015
3.	Sri Mohammad Salaluddin, S/o Bajuddin	Appellant's father's elder brother's son	Mohammad BC-E	04.08.2015
4.	Sri Shaik Abdul Hameed, S/o Shajahan	Appellant's husband's brother	Shaik BC-E	26.8.2015
5.	Sri Shaik Afifa, S/o Abdul Hameed	Appellant's husband's brother's son	Shaik BC-E	25.8.2015
6.	Sri Shaik Abdul Asif, S/o Abdul Hameed	Appellant's husband's brother's son	Shaik BC-E	17.7.2021
7.	Sri Mohammad Khasim, S/o Bajuddin	Appellant's father's elder brother's son	Mohammad BC-E	23.8.2012

The Sub Collector, Tenali has further observed in the said report as follows:-

“ As shown above, those who have the surname/prefix of “Mohammad” were issued caste certificates of “Mohammad” and they are the relatives from her paternal side and those who have the surname/prefix of “Shaik” were issued caste certificates of “Shaik” and they are the relatives from the side of her husband and whereas in the instant case, the Appellant has contended in her statement Dt: 09.10.2021 before the tahsildar claimed that she belongs “ Shaik” caste and further claimed that “ Mohammed” is not a caste.”

As seen from G.O.Ms.No.23 BCW(C2) Dt: 07.07.2007, 15 classes of muslims are notified as Socially and Educationally Backward Classes (SEBC) under BC “E” category and in those 15 classes the muslim surnames/prefixes like, Shaik, Syed, Patan etc., are shown separately. Under such circumstances, there is no evidence to show those having the surname/prefix of “Mohammad” are “ Shaiks”. The evidence in the above table also confirm the same. Hence, the contention of the Appellant that they should be treated as “Shaik” cannot be accepted.

Further, in her application for caste certificate filed before the Tahsildar, Duggirala and rejected, she has mentioned her caste as “Mohammed” against Col. No. 9 and the caste of her parents was also noted as “Mohammed” against Col. 10 and whereas in the W/P No. 23133/2021 filed, she has claimed to have been belonging to “ Shaik” caste.

Thus, as explained in paras 6 and 7 above, the Appellant is taking different stands with regard to her caste, as “ Shaik” at some times and “Mohammed” at some times. She has also not quoted any provisions of law and also not produced any legal document to show that “ Mohammeds” are “ Shaiks” and in such a position without mentioning her sub-caste and

without any consistency to the Appellant about her caste, she cannot be issued caste certificate, as mentioning of caste is mandatory for issue of caste certificate, through online.”

The above report of the Sub Collector, Tenali makes it clear that the appellant’s parents’ side belong to “Mohammed” Caste and that of her husband’s side belong to “ Shaik” Caste and whereas they have mentioned in the rejected caste certificate application to be belonging to “ Mohammed” caste and whereas in the petitioner’s affidavit filed in WP No. 2321353/2021, claimed to be belonging to, “ Shaik” caste and further during the enquiry before the Tahsildar, on 09.10.2021, insisted that there is no separate caste, “Mohammed” and they belong to “ Shaik” caste.

**Finding:** Thus, the appellant is taking different stands from time to time in respect of her caste. Further, as seen from G.O.Ms.No.23 BCW(C2) Dt: 07.07.2007, 15 classes of muslims are notified as Socially and Educationally Backward Classes (SEBC) under BC “E” category and in those 15 classes the muslim surnames/prefixes like, Shaik, Syed, Patan etc., are shown separately. Under such circumstances, there is no evidence to show those having the surname/prefix of “Mohammad” are “ Shaik”. The evidence in the above table also confirm the same. Hence, the contention of the Appellant that they should be treated as “Shaik” cannot be accepted.

It is observed that the father of the appellant does not have BC-E caste certificate. As per the guidelines issued by the Govt. caste of an individual is derived from the caste of the father of the individual.

(12) That the Government of Andhra Pradesh, vide G.O.Ms.No.23 Backward Classes Welfare(C2) Department dated 07.07.2007 (annexed as P-5) has notified classes of Muslims residing in the state other than

Dudekula, Laddaf, Pinjari/Noorbash and Mehtar as socially and educationally backward classes. The list envisaged by the Government is inclusive as in S.No.15 it states that Other Muslim groups excluding

I. Syed, Saiyed, Sayyad, Mushaik

II. Mughal, Moghal;

III. Pathans;

IV. Irani;

V. Arab;

VI. Bohara, Bohra;

VII. Shia Imami Ismaili, Khoja;

VIII. Cutchi-Memon;

IX. Jamayat;

X. Navayat;

and all the synonyms and sub-groups of the excluded groups; and except those who have been already included in the State List of Backward Classes. It is evident that all the other Muslim groups except those 10 groups mentioned above and the 4 groups envisaged earlier all the other Muslim groups do fall under the BC-E category, the Shaik community has been numbered at S.No.12 of the list of inclusion and accordingly the appellant is entitled for the BC-E certificate in accordance to G.O.Ms.No.23 dated: 07.07.2007.



**Finding:** The caste, " Shaik" is figured at Sl.No. 12 in the above said G.O.Ms.No. 23 and whereas the finding against the ground No. 12 that there is no evidence to show those having the surname/prefix of "Mohammad" are " Shaik" and as such the claim of the appellant for issue of " Shaik" Certificate cannot be considered and accordingly, this ground is dismissed.

(13) That the Government of Andhra Pradesh vide Rc.No.E/1261/2012 dated:06.07.2012 has clarified that "there is no strict co-relation between Name/Surname/Prefix or Suffix of a name and caste to accept or reject a caste claim straightaway" and it is obligatory on part of the competent authority to take up field enquiry in order to establish the veracity of the caste claim, the Government of Andhra Pradesh vide Lr.Rc.No.G/869/2017 dated 28.08.2018 has further clarified that there is no bar to issue BC-E caste certificate to Muslims possessing surnames like Mohammad and Abdul and has directed to make requisite changes in Mee-Seva to enable the caste issuing authorities. (Annexed at P-6 and P-7).

**Finding:** As the appellant is claiming for issue of "Shaik" caste certificate, though she does not belong to " Shaik", as per the findings under the ground Nos. 11 and 12, the appellant is not entitled to " Shaik" caste Certificate and accordingly, this ground urged by the appellant is not considered.

(14) It is further respectfully submitted that, there is no disparity between Shaik and Mahammad, it needs to be brought to the notice of the esteemed authority that Mahammad is the name of the prophet and Mahammad and shaik are used vice versa, hence the same is not a bar for issuance of the caste certificate as neither the Mahammad nor Shaik are

included in the list of exclusions envisaged at S.No.15 of G.O.Ms.No.23 dated 07-07-2007.

**Finding:** An enquiry as to caste will be conducted, mainly based on the claim of the applicant. As observed in the finding under ground No. 11, the appellant is taking different stands from time to time as to her caste. Further, as seen from G.O.Ms.No.23 BCW(C2) Dt: 07.07.2007, 15 classes of muslims are notified as Socially and Educationally Backward Classes (SEBC) under BC "E" category and in those 15 classes the muslim surnames/prefixes like, Shaik, Syed, Patan etc., are shown separately. Under such circumstances, there is no evidence to show those having the surname/prefix of "Mohammad" are "Shaik". Hence, the contention of the appellant that they should be treated as "Shaik" cannot be accepted.

(15) That the Grama Panchayat voters list published by the Grama Panchayat under the supervision of the State election commission contains the caste category of the voters in the list of voters along with the photo identity, the 6th line from the top asks about the caste category పెత్తె/పెకు/వేత transpires into literal translation to SC/ST/BC, the same is categorized as వేత which means వెనుకబడిన తరగతులు and translates to Backward caste, the voter list of the panchayat is filed.

**Finding:** The caste mentioned in the alleged voter list submitted by the appellant is an unverified and unsigned document. No Voter list maintained by the Election Commission mentions the caste.

(16) It is further respectfully submitted that, this esteemed authority has directed the respondent who has rejected the application of the

petitioner to cause enquiry for the present proceeding where the rejection order dated 22.09.2021 of the same Tahsildar is challenged, it is the established principal of law that no one can be a judge in their own case, by no stretch of imagination, the respondent can be understood from the conduct, where notices dated 08-10-2021 were served on the appellant herein on 09.10.2021 at 2.45 P.M to attend enquiry at 4.00 PM on the same day i.e., less than 1 hour 15 minutes notice.

**Finding:** In the instant case, the authority has obtained the report from the Sub Collector, Tenali and at best her report can be considered as counter by the respondent- Tahsildar and as such the principle that she is the judge in her own case do not apply here, as the decision maker is the under signed, as the appellate authority.

15. A perusal of the findings under grounds 1 to 16 show that the appellant has no case, for the following reasons:-

- i) The appellant could not furnish authenticated evidence in support of the claim that the "Mohammads" comes under "Shaik" caste/class/category.
- ii) The appellant could not furnish the traditional occupation related to the "Mohammad" group of Muslims.
- iii) The appellant contended that the family tree of the appellant filed, but it is observed that the vertical family tree right from the descendants of great grandfather of the appellant upto her siblings not furnished.
- iv) The plea of the appellant that "Mohammed" and "Shaik" castes belong to the same category is not supported by any evidence.

v) The appellant is taking different stands from time to time as to her caste. Further, as seen from G.O.Ms.No.23 BCW(C2) Dt: 07.07.2007, 15 classes of muslims are notified as Socially and Educationally Backward Classes (SEBC) under BC "E" category and in those 15 classes the muslim surnames/prefixes like, Shaik, Syed, Patan etc., are shown separately. Under such circumstances, there is no evidence to show those having the surname/prefix of "Mohammad" are "Shaik". The evidence in the above table also confirm the same. Hence, the contention of the Appellant that they should be treated as "Shaik" cannot be accepted.

vi) Col No.5 in the T.C intended for mentioning the caste left blank in respect of the T.C issued in the year 2010 to the appellant, though certain classes of muslims were recognised as BC "E" Category, as per the orders issued in 2007 itself, i.e., prior to the issue of the TC.

vii) The relatives on the paternal side of the appellant obtained "Mohammed" caste certificate, whereas the relatives on the husband's side of the appellant obtained the caste certificate under 'Shaik' category and whereas as per the guidelines of the Govt. of India, Ministry of Home Affairs, New Delhi, vide their letter No.35/1/72-RU(SCT-V) Dated:02-05-1975, one of the general principles for verification is whether the applicant parents actually belong to the community claimed and another principle laid down therein is no person who is not an SC/ST by birth will be deemed to be member of SC/ST merely because he or she had married a person belonging to a SC or a ST. Applying the same principle, in the instant case, the writ petitioner belonging to 'Mohammad' Caste by birth, as admitted by her in her rejected caste certificate application cannot claim now 'shaik' caste, the caste of her husband.

16. In view of the findings recorded under grounds 1 to 16 and the final observations made above under the prayer of the appellant, I see no reason to interfere with the order of the Tahsildar, Duggirala and consequently, the appeal is dismissed, as the request of the Appellant to consider her as belonging to "Shaik" is not in accordance with law, as all the proofs filed by her show that his parents' side belong to "Mohammed" Community and the appellant failed to prove that the "Mohammeds" is not a separate muslim group/sub-group/caste from, "Shaik."

An appeal u/s 7(2) of the A.P. (S.Cs, STs And BCs) Regulation of issue of Community Certificates Act, 1993 against this order lies before the Government within 30 days from the date of publication of this order in the Andhra Pradesh Gazette.

**VIVEK YADAV,**

*Collector & District Magistrate,  
Guntur.*

To  
Smt. Sk. Jabeen  
W/o Sadhik,  
D.No. 5/199, Chiluvuru Village,  
Duggirala Mandal. (Appellant)

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